

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
SUSAN VOLPE and RAYMOND VOLPEDEFENDANTS
NEW ENGLAND MOTOR FREIGHT, INC. and OTTO DANIEL

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
JOHN P. BEATTY, ESQ.
KRAMER, DILLOF, LIVINGSTON & MOORE
217 Broadway, 10th Floor, New York, NY 10007, (212) 267-4177

ATTORNEYS (IF KNOWN)
TODD C. RUBENSTEIN, ESQ.
159 Eads Street, West Babylon, NY 11704
(631) 386-3100

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Personal Injury, Removal upon 28 USC Sections 1332, 1441 and 1446(b)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	INJURY/PRODUCT LIABILITY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	21 USC 881	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	[] 690 OTHER		[] 410 ANTITRUST
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY			[] 450 COMMERCE
ENFORCEMENT	LIABILITY		PROPERTY RIGHTS		[] 460 DEPORTATION
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 820 COPYRIGHTS		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 830 PATENT		ENCED & CORRUPT
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ORGANIZATION ACT
DEFAULTED	[x] 350 MOTOR VEHICLE		[] 840 TRADEMARK		(RICO)
STUDENT LOANS	[] 355 MOTOR VEHICLE			SOCIAL SECURITY	[] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	[] 861 HIA (1395ff)	[] 850 SECURITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	COMMODITIES/
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	EXCHANGE
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	
[] 160 STOCKHOLDERS			RELATIONS	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY
SUITS		PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT		ACTIONS
[] 190 OTHER	ACTIONS UNDER STATUTES	[] 463 ALIEN DETAINEE	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
CONTRACT	CIVIL RIGHTS	[] 510 MOTIONS TO	LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or	
[] 195 CONTRACT	[] 440 OTHER CIVIL RIGHTS	VACATE SENTENCE		Defendant)	[] 893 ENVIRONMENTAL
PRODUCT	(Non-Prisoner)	28 USC 2255	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	MATTERS
LIABILITY		[] 530 HABEAS CORPUS	LITIGATION	26 USC 7609	[] 895 FREEDOM OF
[] 196 FRANCHISE		[] 535 DEATH PENALTY	[] 791 EMPL RET INC		INFORMATION ACT
		[] 540 MANDAMUS & OTHER	SECURITY ACT (ERISA)		[] 896 ARBITRATION
REAL PROPERTY			IMMIGRATION		[] 899 ADMINISTRATIVE
[] 210 LAND	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR
CONDEMNATION	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	APPLICATION		APPEAL OF AGENCY DECISION
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION		STATE STATUTES
[] 230 RENT LEASE &	ACCOMMODATIONS	[] 560 CIVIL DETAINEE	ACTIONS		
EJECTMENT	[] 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT			
[] 240 TORTS TO LAND	DISABILITIES -				
[] 245 TORT PRODUCT	EMPLOYMENT				
LIABILITY	[] 446 AMERICANS WITH				
[] 290 ALL OTHER	DISABILITIES -OTHER				
REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION
 ☒ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [X] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [X] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Susan Volpe and Raymond Volpe
 530 East 86th Street
 Apt. 9A
 New York, NY 10028
 New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

New England Motor Freight, Inc. 1-71 North Avenue East Elizabeth, NJ 07201 Union County	Otto Daniel 439 East 35th Street Patterson, NJ 07504 Passaic County
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DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 7/19/18

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[X] YES (DATE ADMITTED Mo. June Yr. 1993)

Attorney Bar Code # TR-8884

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)